

#9  
8/26/03  
D

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 21, 2003.

*Renne M.F. Wyzykowski*  
Renne M.F. Wyzykowski

Appl No. : 09/440,148  
Applicant : Yiwei Thomas Hou, et al.  
Filed : November 15, 1999  
Title : SERVER-BASED NETWORK PERFORMANCE METRICS  
GENERATION SYSTEM AND METHOD

Confirmation No. 2594

TC/A.U. : 2664  
Examiner : Kamran, Emdadi

Docket No. : 35400/DMC/F179

Customer No. : 23363

**OFFICIAL****FAX RECEIVED****AUG 22 2003****GROUP 2600**

## LETTER REQUESTING CORRECTING RESPONSE DATE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
August 21, 2003

Commissioner:

Applicants believe the recent Advisory Action in the case improperly sets the period for reply. The Advisory Action indicates the period for reply expires July 24, 2003. The period for reply should expire July 29, 2003.

A final action was mailed April 24, 2003 (Exh. A). A fully responsive amendment was filed with the U.S. Patent and Trademark Office, using a certificate of mailing (Exh. B and See 37 CFR § 1.8), on June 24, 2003, within two months of the mailing of the final Office action. An Advisory Action was mailed July 29, 2003 (Exh. C).

Appln No. 09/440,148

Amdt date August 21, 2003

Letter to Advisory action of July 29, 2003

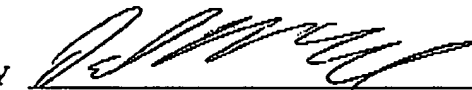
As provided in the Office action mailed April 24, 2003 "13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action." (emphasis supplied)

Accordingly, the period for reply to the instant case is set to expire July 29, 2003, and Applicants request that applicants be so formally notified.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



Daniel M. Cavanagh

Reg. No. 41,661

626/795-9900

DMC/rmw

**OFFICIAL**

**FAX RECEIVED**

**AUG 22 2003**

**GROUP 2600**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,148	11/15/1999	YIWEI THOMAS HOU	35400/PYI/F1	2594

23363 7590 04/24/2003

CHRISTIE, PARKER & HALE, LLP  
350 WEST COLORADO BOULEVARD  
SUITE 500  
PASADENA, CA 91105

EXAMINER

EMDADI, KAMRAN

ART UNIT PAPER NUMBER

3664

DATE MAILED: 04/24/2003

RECEIVED

CASE # 35400 ACTION: Final Rejection APR 29 2003REMINDER \_\_\_\_\_ DUE DATE 7/24/03 Christie, Parker & Hale, LLPDEADLINE 10/24/03

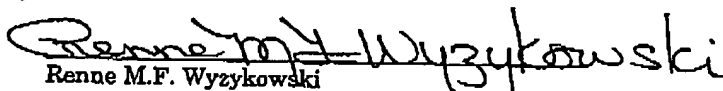
Please find below and/or attached an Office communication concerning this application or proceeding.

Appln No. 09/440,148  
Amdt dated June 24, 2003  
Reply to Office action of April 24, 2003

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 24, 2003.*

  
Renne M.F. Wyzykowski

Appl No. : 09/440,148  
Applicant : Yiwei Thomas Hou, et al.  
Filed : November 15, 1999  
Title : SERVER-BASED NETWORK PERFORMANCE METRICS GENERATION  
SYSTEM AND METHOD  
TC/A.U. : 2664  
Examiner : Kamran Emdadi  
Docket No. : 35400/DMC/F179

Mail Stop NON-FEE Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

## AMENDMENT

In response to the Office action of April 23, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 17 of this paper.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,148	11/15/1999	YIWEI THOMAS HOU	35400/PY/F1	2594

23363 7590 07/29/2003

CHRISTIE, PARKER & HALE, LLP  
350 WEST COLORADO BOULEVARD  
SUITE 500  
PASADENA, CA 91105

**RECEIVED****AUG 01 2003**

Christie, Parker &amp; Hale, LLP

EXAMINER

EMDADI, KAMRAN

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 07/29/2003

CASE # **35400** ACTION \_\_\_\_\_  
REMINDER \_\_\_\_\_ DUE DATE \_\_\_\_\_  
DEADLINE \_\_\_\_\_

Please find below and/or attached an Office communication concerning this application or proceeding.

# facsimile

## TRANSMITTAL

Date: August 21, 2003

No. of Pages: 6 (including this cover sheet)

Fax No.: (703) 872-9314

**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

Name: Commissioner of Patents

Art Unit: 2667

Examiner: Kamran Emdadi

Phone: (703) 305-4899

From: Daniel M. Cavanagh  
Reg No. 41,661

Re: Application No. 09/440,148  
Filed November 15, 1999  
Entitled SERVER-BASED NETWORK PERFORMANCE METRICS  
GENERATION SYSTEM AND METHOD

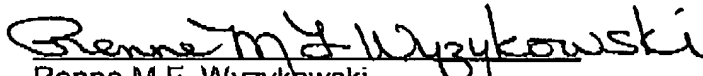
File: 35400/DMC/F179

**FAX RECEIVED**

**AUG 22 2003**

**GROUP 2600**

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO  
THE UNITED STATES PATENT AND TRADEMARK OFFICE ON August 21, 2003.

  
Renne M.F. Wyzykowski

**OFFICIAL**

\*Correspondence: Letter Requesting Correcting Response Date with  
Exhibits A, B and C

Christie, Parker & Hale, LLP  
350 West Colorado Boulevard  
Post Office Box 7068  
Pasadena, CA 91109-7068  
626-795-9900  
Fax: 626-577-8800

**confidential**

*The information in this transmission is confidential and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone collect, and return the original message to us at the above address via U.S. mail. We will reimburse you for postage. Thank you.*